IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 8100 of 2007(L)

PETITIONER:

V.V.SUNNY , S/O.V.S.KUNJUVAREED,
PROP.M/S.SUNRISE JEWELLERY,
VATTAPARAMBIL HOUSE,
MOOKKANNOOR, ANGAMALY.

BY ADV. SRI.ZAKEER HUSSAIN
SMT.K.A.SANJEETHA

RESPONDENTS:

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1. RECOVERY OFFICER,DHANALAKSHMI BANK LTD ,
ZONAL OFFICE,,DHANALAKSHMI BANK BUILDING,
PUNKUNNAM,THRISSUR-680 002.

2. THE BRANCH MANAGER,
DHANALAKSHMI BANK LTD,
IRINJALAKUDA.

3. THE RESERVE BANK OF INDIA,
REPRESENTED BY THE EXECUTIVE DIRECTOR,
REGIONAL OFFICE, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN,SC,DHANALAKSHMI BAN
ADV.P.JACOB VARGHESE SC R.B.I.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 8100 of 2007

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Dated this the 12th day of March, 2007.

J U D G M E N T

I have heard learned counsel for the petitioner quite elaborately on the merits of the case. I have also heard learned counsel for the Bank.

2. The bank obtained a decree some time in 2004 or 2005 in O.S.No.60 of 2001. They promptly issued auction notice-Ext.P2. By Ext.P2 the Civil Court listed the sale on 19.09.06. We are now on 12.03.07. Obviously, the sale through the Civil Court did not take place. The bank simultaneously invoked the SARFEASI Act. There is no illegality or jurisdictional error in it. No statutory petition has been filed against it before the DRT. The amount as of now comes to Rs.2 lakhs or less. The attempt of the petitioner, a Jeweller, is only to drag on the enforcement of the decree and also the recovery of the outstandings. The interference of this Court even to grant instalments in exceptionally exceptional circumstances does not require to be extended to the petitioner

on the peculiar facts and circumstances of this case. It is clarified that the bank will ensure that what is actually due is recovered from the petitioner.

This writ petition fails and is hence dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj